



STATE OF MISSOURI
DEPARTMENT OF INSURANCE

IN THE MATTER OF:

Lucinda Gay Boatman

Applicant.

Serve at:

717 East Division Street
Bolivar MO 65613

Case No. 06A000098

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On May 5, 2006, Kathryn Turner, as senior counsel for the Investigations Section of the Division of Consumer Affairs, submitted a petition to the Director alleging cause for refusing to issue the insurance producer license of Lucinda Gay Boatman ("Applicant"). After reviewing the petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Applicant, Lucinda Gay Boatman, is a Missouri resident with an address of 717 East Division Street, Bolivar, Missouri 65613. Lucinda Gay Boatman was formerly known as Lucinda G. Cole and Lucinda Gay Cole.
2. On January 31, 2006, Lucinda Gay Boatman ("Applicant") filed a Uniform Application for Individual Insurance Producer License ("Application") with the Department of Insurance seeking licensure as an insurance producer.
3. Question 36-1. of the Application asks,

Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?
4. Applicant checked the "Yes" answer to this question.

5. Attached to the application was a copy of a criminal Complaint filed in Newton County, Missouri, in February 1999, charging applicant with the class C felony of Burglary in the 2nd degree and the class C felony of stealing. No disposition documents or statement was included with the application as required by Question 36-1.
6. On February 8 and February 22, 2006, Investigator Hogue wrote to Applicant stating what documents were required. Applicant replied by e-mails dated February 13 and February 22, 2006, regarding what was required, but Applicant never provided the documentation requested.
7. Documents obtained from Newton County, Missouri, show that Applicant pleaded guilty to and was convicted of the class C felonies of Burglary in the 2nd degree and Stealing on May 10, 1999. Applicant was sentenced to seven years on each offense with sentences to run concurrently and with execution of the sentences suspended.
8. On December 23, 1999, in Greene County, Missouri, Applicant pleaded guilty to and was convicted of the class C felony of Burglary in the 2nd degree and was sentenced to three years, but was placed on supervised probation for five years.
9. On January 13, 2000, in Cooper County, Texas, Applicant pleaded guilty and was convicted of Burglary in the 2nd degree and was placed on supervised probation for a period of five years.
10. Applicant failed to disclose the convictions in Greene County, Missouri and Cooper County, Texas.
11. Applicant was charged and convicted under the name of Lucinda G. Cole or Lucinda Gay Cole, who has the same date of birth and social security number as Applicant Lucinda Gay Boatman.
12. This order is in the public interest.

CONCLUSIONS OF LAW

13. Section 375.141.1 RSMo Cum Supp 2004 provides:

The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

(2) Violating any insurance laws...

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud

(6) Having been convicted of a felony or crime involving moral turpitude.

14. Section 374.210.2 RSMo 2000 provides, in part:

2. Any person who shall refuse to give such director full and truthful information, and answer in writing to any inquiry or question made in writing by the director, in regard to the business of insurance carried on by such person...shall be deemed guilty of a misdemeanor...

15. Applicant has been convicted of Burglary, a felony, on three occasions and the felony of Stealing on one occasion, a ground for refusal under Section 375.141.1(6) RSMo Cum Supp 2005.

16. Applicant violated Section 374.210.2 RSMo 2000, by failing to respond in writing to an inquiry or question made in writing by the director, a ground for refusal under Section 375.141.1(2) RSMo Cum Supp 2005.

17. Applicant attempted to obtain a license through material misrepresentation by failing to disclose all felony convictions, a ground for refusal under Section 375.141.1(3) RSMo Cum Supp 2005.

18. This order is in the public interest.

ORDER

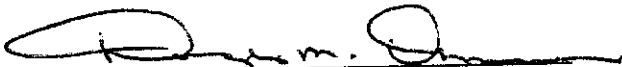
IT IS THEREFORE ORDERED that the issuance of the insurance producer license of Applicant Lucinda Gay Boatman is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 9th DAY OF May, 2006.



W. DALE FINKE
DIRECTOR



DOUGLAS M. OMMEN
DEPUTY DIRECTOR
GENERAL COUNSEL

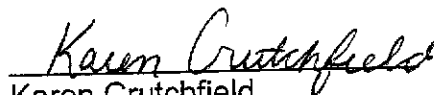
NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within thirty (30) days after the mailing of this notice pursuant to Section 621.120 RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2006, a copy of the foregoing notice, order and petition was served upon the Applicant in this matter by certified mail.



Karen Crutchfield
Senior Office Support Staff